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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.4860 of 2007

PETITIONER Subhash Chandra Pradhan, s/o Sri Markand Pradhan, aged about 61 years, Head Master, Primary School, Arjunda, Block Saraipali, District Mahasamund(CG)

Versus

RESPONDENTS

1 Collector, District Mahasamund (CG)

2 District Education Officer, Mahasamund(CG)

Writ Petition under Article 226 of the Constitution of India

Appearance:

Shri K.A. Ansari, Sr. Advocate with Shri Imtiyaz Ali, counsel for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State/respondents on advance copy.

ORAL ORDER

(27.08.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Head Master, Primary School Arjunda, Saraipali, has challenged the validity of his transfer order dated 21.7.2007, by which, he has been transferred from the said place to Primary School Komakhan, Bagbahra(Annexure P-1).

Learned Senior Advocate appearing on behalf of the petitioner argues that the petitioner is a permanent resident of village Kisdi, which is very nearer to Arjunda and on this ground only, on his own request, he was posted at Arjunda in the year 2005. Referring to para 6.2. of the petition, he submits that date of birth of the petitioner is 14.10.1946, according to which, the petitioner has to retire on 30.10.2008. He further submits that according to Clause 7 of the transfer policy dated 13th June 2007, if a person is to retire within a period of one year, his case shall be governed by the said clause of the policy.

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He submits that according to the said date, a period of about 13 months is left for retirement of the petitioner and looking to Clause 7 of the transfer policy dated 13th June 2007, the case of the petitioner should be considered on that line, though one month is exceeding from one year.

I have gone through the contents of the petition and have also gone through Clause 7 of the transfer policy.

Having heard learned counsel for the petitioner, having gone through the contents of writ petition and the contents of Clause 7 of the transfer policy, though one month is exceeding from one year, in the opinion of this Court, the ends of justice would be served, if the petitioner is directed to file a representation before the concerned authority and the concerned authority to dispose off the same within the stipulated period granted by this Court, keeping in mind that only one month is exceeding from the time-frame made in the Policy.

Accordingly, the petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority within a period of 3 weeks from today along with copy of this order and a copy of writ petition, raising his grievance and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of two months from the date of receipt of the said representation, keeping in mind the provisions of Clause 7 of the said Policy, and very little time coming over the period stipulated in the policy.

It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting i.e. Arjunda and shall be allowed to continue there.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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